

**IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MARYLAND**

SIMARJEET KAUR)	
)	
Plaintiff)	
)	
V.)	Civil Action No.: 21-292
)	
POLICE OFFICER POLLACK #5596)	
)	
Defendants)	

NOTICE OF REMOVAL

Defendants Officer Pollack #5596 (Officer Pollack), Officer Birkmaier #5991 (Officer Birkmaier) and Baltimore County Police Department (Police Department) (collectively as the “Removing Parties”) pursuant to U.S.C. § 1331, 28 U.S.C. 1441, 28 U.S.C. § 1446 and Local Rule 103.5, file this Notice removing this action from the Circuit Court for Baltimore County, Maryland, to the United States District Court for the District of Maryland, Northern Division. The Removing Parties state the following in support of the Notice:

1. Plaintiff in the above captioned action filed this case, titled *Simarjeet Kaur vs. POFC Pollack, et al.*, Case No.: 03-C-15-008634, in the Circuit Court for Baltimore County, on November 25, 2020..

2. Process, including a summons and complaint were served on the removing parties on or about January 5, 2021 or thereafter. Therefore, this Notice is filed within thirty days of service pursuant to 29 U.S.C. 1446(b).
3. The remaining defendants have been properly served and have not objected to this petition for removal, which is a condition precedent to obtaining their consent pursuant to 42 U.S.C. § 1446(b)(2)(a).
4. Specifically, Plaintiff purports to bring causes of action under The Fair Debt Collection Practices Act (15 USC §1692, *et seq.*); The Fair Labor Standards Act (29 U.S.C. § 201, *et seq.*); the Klu Klux Klan Act of 1871 (42 U.S.C. § 1983) for violations of her Fourth, Fifth and Fourteenth Amendment rights under the United States Constitution.
5. Plaintiff also brings various state common law and statutory claims under Maryland law.
6. The federal and state law claims asserted against the Removing Parties are based on a common nucleus of operative fact. All of the claims are based on allegations that the Removing Parties improperly investigated, arrested and prosecuted Plaintiff for employee theft.
7. Plaintiff's allegations involve a controversy founded upon a claim or right arising under the Constitution, Treaties or Laws of the United States, and the action is thus removable to this Court under 28 U.S.C. §§ 1331 and 1441 (b).
8. This Court has original jurisdiction over Plaintiff's purported federal claims, pursuant to 28 U.S.C. §1331, because Plaintiff's case involves a federal question *i.e.*, whether

the defendants violated the Plaintiff's civil rights under the United States Constitution and the laws of the United States.

9. This Court also has supplemental or pendant jurisdiction over the remaining state law claims against the Removing Parties pursuant to 28 U.S.C. § 1441(c), and 28 U.S.C. § 1367.
10. No novel or complex issues of state constitutional law are presented in Counts XVII and XVIII, which allege violations of Article 24 and Article 26 of the Maryland Declaration of Rights. The Maryland constitutional claims are interpreted as in *pari material* with the Due Process Clause and Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, which is the basis for the Plaintiff's federal causes of action.
11. For the reasons stated above the Removing Parties are entitled to remove this action from the Circuit Court for Baltimore to this Court pursuant to 28 U.S.C. §1331, 28 U.S.C. §1441 (b) and 28 U.S.C. § 1446 (a).
12. Pursuant to Local Rule 103.5 (a), a certified copy of all process, pleadings, documents and orders filed with the Circuit Court for Baltimore County, and served on the Removing Parties are attached hereto as **Exhibit A**.
13. Defendants certify that written notice of the filing of this Notice of Removal in the form attached hereto as **Exhibit B** will be provided on this date to the Plaintiff and, together with a copy of this Notice of Removal (without attachments), will be filed with the Clerk for the Circuit Court for Baltimore County as provided by 28 U.S.C. § 1446 (d).

WHEREFORE, the Removing Parties respectfully request this Notice of Removal be granted and that the Circuit Court for Baltimore County action be removed from the Circuit Court of Baltimore County to the United States District Court for the District of Maryland.

Respectfully submitted,

JAMES R. BENJAMIN
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Electronically Filed February 4, 2021

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of February 2021, a copy of the foregoing Notice of Removal was filed in accordance with the Electronic Filing Requirement and Procedures as established by the U.S. District Court for the District of Maryland and served, via the Court's electronic filing system on all counsel of record and mailed first class postage prepaid to:

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